



Qwest
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DOCKET FILE COPY ORIGINAL

Kathryn Marie Krause
Senior Attorney

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JUN 26 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 26, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Room TW-A325
Portals II
445-12th Street, S.W.
Washington, DC 20554

RE: CALEA Section 103 Compliance – CC Docket No. 97-213
Qwest Wireless LLC and T.W. Wireless, LLC – TRS Nos. 808439, 820852

Dear Ms. Salas:

Qwest Wireless, LLC and its Affiliate, T.W. Wireless, LLC (collectively “Qwest Wireless”) submit the attached letter and deployment schedule regarding compliance with Section 103 CALEA requirements. The letter from the FBI’s Flexible Deployment Program support Qwest Wireless’ (TRS #808439) and T.W. Wireless’ (TRS #820852) extension of the CALEA requirements.

On May 31, 2000, Qwest Wireless filed a Petition for an extension of time under Section 107(c) of the CALEA requirements. A copy of the Petition, without the confidential attachments, is included with this letter per the instructions of the FBI. The deployment schedule attached to this letter is also confidential, which the Commission has already determined should not be made available for public inspection. See Public Notice, 15 FCC Rcd. 7482, 7487 ¶ 12 (Apr. 25, 2000). The deployment schedule is marked “Confidential – Not for Public Inspection” and is enclosed in separate envelope marked to the same effect.

In its Petition, Qwest Wireless stated that it was engaged in ongoing negotiations with the FBI and was participating in its Flexible Deployment Plan. As such, Qwest Wireless was categorized as having Category B status. With the FBI’s approval of the deployment schedule Qwest Wireless has satisfied the requirements of the *Public Notice*, 15 FCC Rcd. 7482, rel. Apr. 25, 2000, for reclassification to Category A status. Therefore, Qwest Wireless requests reclassification of its Petition from Category B to Category A status. Accordingly, we request an extension of time under Section 107(c) of the CALEA requirements as outlined in our deployment schedule.

Respectfully,

Kathryn Marie Krause
Kathryn Marie Krause



U.S. Department of Justice

Federal Bureau of Investigation

*CALEA Implementation Section
14800 Conference Center Drive, Suite 300
Chantilly, VA 20151*

June 15, 2001

Qwest Wireless, LLC (formerly US West Wireless)
Stephanie L. Boyett-Colgan
1860 Lincoln Street, 14th Floor
Denver, CO 80295-1001

FCC TRS #808439, 820852
Carrier ID #969

Dear Carrier:

The CALEA Implementation Section of the FBI is pleased to inform you that based on the information provided in accordance with the Flexible Deployment Assistance Guide, the FBI supports a two-year extension of the June 30, 2000 compliance date for Qwest Wireless, LLC (formerly US West Wireless), also filing on behalf of its Affiliate, T.W. Wireless, under Section 107(c) of CALEA. Please note that Section 107(c) of the CALEA statute only authorizes the Federal Communications Commission (FCC) to grant extensions up to two years. Consequently, the FBI is only able to support extension requests through June 30, 2002. Qwest Wireless, LLC may have to apply for an additional Section 107(c) extension for any switches that are not compliant by June 30, 2002.

A copy of this letter should be submitted to the FCC along with Qwest Wireless, LLC's Section 107(c) petition for extension of the June 30, 2000 compliance date, or in reference to such petition filed at the FCC.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Fogle", is positioned above the typed name.

Chuck Fogle
Program Manager
Flexible Deployment Program

RD
PH

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MAY 8 1 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)	
)	
The Communications Assistance)	U S WEST Wireless, Inc., Petitioner
For Law Enforcement Act (CALEA),)	TRS Number 808439
Section 107(c) Extension of Capability)	Wireless Telecommunications Bureau
Requirements)	

U S WEST WIRELESS, INC. PETITION FOR EXTENSION OF TIME UNDER SECTION 107(c) OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT

1. U S WEST Wireless, Inc., hereinafter "U S WEST/W" or "Petitioner," requests an extension of the CALEA Section 103 capability requirements,¹ pursuant to CALEA section 107(c),² until June 2, 2002 on the grounds that compliance with CALEA is not currently reasonably achievable through application of available technology.³ As discussed further below, U S WEST/W is engaged in ongoing negotiations with the Federal Bureau of Investigation ("FBI") under the agency's Flexible Deployment Plan. Accordingly, U S WEST/W is in what the Federal Communications Commission ("FCC" or "Commission") refers to as Category B status. A copy of the letter from the FBI confirming that it has received the information needed to participate in the Plan is attached as Attachment B.

2. U S WEST/W is unable to secure equipment and software that would allow for CALEA compliance (as currently defined) in sufficient time to be operational by June 30, 2000. CALEA-compliant equipment is not commercially available in the general marketplace. With respect to some switches (for example, the Lucent), CALEA-compliant equipment is not commercially available in the general marketplace.⁴ Even where such equipment will be available by June 30, 2000 (for example, with respect to the Nortel switches),⁵ additional time is necessary to install the equipment in the U S WEST/W network (installation involving a range of activities from engineering to actual installation to testing and re-engineering, as necessary).

¹ See 47 U.S.C. § 1002.

² See 47 U.S.C. § 1006(c).

³ See Public Notice, CALEA Section 103 Compliance and Section 107(c) Petitions, FCC 00-154, rel. Apr. 25, 2000 at 8 ¶ 13(c) ("Carriers should include enough time to purchase, test, and install hardware and software required for CALEA compliance.").

⁴ Lucent wireless autoplex switch has been delayed until February 28, 2001. In addition, the Lucent Technologies delivery unit is not available until March 1, 2001.

⁵ Based on information from Nortel to U S WEST/W earlier this month, the LWW006, which contains the J-Standard feature package for wireless, will be available by June 30, 2000. However, additional time will obviously be necessary to install and test the feature package.

Even where such equipment is currently available, additional time is necessary to install the equipment in the U S WEST/W network (installation involving a range of activities from engineering to actual installation to testing and re-engineering, as necessary).

3. U S WEST/W is negotiating with the FBI pursuant to the agency's Flexible Deployment Plan to agree on a schedule under which U S WEST/W would upgrade its equipment to become CALEA compliant in accordance with a schedule agreed to with the FBI. That schedule would, as closely as possible, adhere to U S WEST/W's normal generic upgrade schedule, with adjustments for those switches, if any, that have historically experienced high levels of interception activity and regarding which the FBI desires priority CALEA-compliant equipment deployment. If U S WEST/W and the FBI are able to reach an agreement, U S WEST/W understands that the FBI will support a grant of the necessary extensions of time to permit U S WEST/W to come into compliance in accordance with the agreed-to schedule. This would move U S WEST/W from a Category B carrier to a Category A carrier.⁶

4. Thus, Petitioner requests an extension for the equipment, facilities and services listed in Confidential Attachment A,⁷ as attached to this Petition and incorporated herein by this reference. Confidential Attachment A is the most current document being utilized between U S WEST/W and the FBI to identify switches in the U S WEST/W network which are expected to become CALEA compliant over time.⁸

5. Should the Commission have a need to discuss the specifics of U S WEST/W's situation with respect to its ongoing negotiations with the FBI and Section 107(c) relief, the Commission should contact the undersigned, Kathryn Marie Krause, at the address and phone number identified below. The fax number to be used is 303-295-7049 and the e-mail address is kkrause@uswest.com. As appropriate, Ms. Krause will consult with other U S WEST/W personnel to respond to Commission inquiries.

⁶ See id. at 4 ¶ 8(b) ("If the FBI approves the schedule, the petition will be reclassified as a Category A petition.").

⁷ See id. at 6 ¶ 12, noting that such Attachments will not be made routinely available for public inspection and that "[p]etitioning carriers need not expressly request confidential treatment in order that the information submitted with their petitions be withheld from public disclosure." In accordance with the Commission's instructions, the confidential attachment is marked with the legend "Confidential -- Not for Public Inspection."

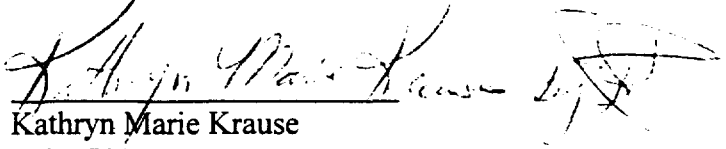
⁸ This document itself could well change over time as U S WEST/W changes out some of these switches and adds new ones to the network. Thus, the document represents a "snapshot" of existing facilities. U S WEST/W would urge the Commission to grant the requested extension for both the identified switches and those that replace the switches or which are added to the Deployment Template for other reasons.

For all of the above reasons, U S WEST/W requests that the FCC grant the relief requested herein. Granting the requested relief will benefit both U S WEST/W and its customers by lowering the total cost of CALEA compliance.

Respectfully submitted,

U S WEST WIRELESS, INC.

By:


Kathryn Marie Krause
Suite 700
1020 19th Street, N.W.
Washington, DC 20036
(303) 672-2859

Its Attorney

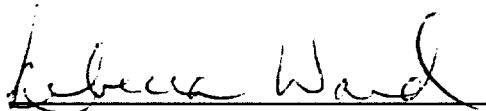
Of Counsel,
Dan L. Poole

May 31, 2000

CERTIFICATE OF SERVICE

I, Rebecca Ward, do hereby certify that I have caused 1) an original and five hard copies of the foregoing **U S WEST WIRELESS, INC. PETITION FOR EXTENSION OF TIME UNDER SECTION 107(c) OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT (including confidential attachment)** to be filed with the Secretary of the FCC, 2) a diskette containing an electronic version of the **PETITION (including confidential attachment)** to be filed with the Secretary of the FCC and 3) a courtesy copy of the **PETITION (excluding confidential attachment)** to be served, via hand delivery, upon the following person.

John Spencer
Federal Communications Commission
Wireless Telecommunications Bureau
Portals II
445 12th Street, S.W.
Washington, DC 20554


Rebecca Ward

May 31, 2000

ATTACHMENT B



U.S. Department of Justice

Federal Bureau of Investigation

*CALEA Implementation Section
14800 Conference Center Drive, Suite 300
Charlottesville, VA 20151*

April 20, 2000

Stephanie L. Boyett-Colgan
U S West Wireless, LLC
700 W. Mineral Avenue
Littleton, CO 80120-4511

Dear Carrier:

The purpose of this letter is to acknowledge that the CALEA Implementation Section (CIS) received the materials you submitted in response to the Flexible Deployment Assistance Guide on April 13, 2000. Your materials are currently under review. CIS will contact you if we have any questions or concerns regarding your submission as it is being reviewed. CIS will also provide you with a written decision regarding your proposed deployment schedule.

Thank you for your submission. We look forward to working with you.

Sincerely,

Chuck Fogle
Program Manager
Prioritization